



# ***CITY COUNCIL AGENDA REPORT***

MEETING DATE: FEBRUARY 19, 2008

ITEM NUMBER: VII-1

**SUBJECT: PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 595 ANTON BOULEVARD**

**DATE: FEBRUARY 7, 2008**

**FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION**

**PRESENTATION BY: PETER NAGHAVI, ACTING DIRECTOR OF PUBLIC SERVICES**

**FOR FURTHER INFORMATION CONTACT: ERNESTO MUNOZ, CITY ENGINEER, AT 714-754-5343**

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## **RECOMMENDATION:**

1. Adopt a Resolution ordering the vacation of a portion of excess Right-Of-Way (ROW) at 595 Anton Boulevard.
2. Authorize execution of the Quitclaim Deed by the Mayor and City Clerk.

## **BACKGROUND:**

At the request of JKS-CMFV, LLC, and AMS Craig, LLC, owners of 595 Anton Boulevard, the Public Services Department is processing an application to vacate a portion of excess street Right-Of-Way located at 595 Anton Boulevard. The request is in conjunction with the Symphony Towers development at this location. The subject portion of Anton Boulevard is part of a previously dedicated portion of Right-Of-Way for locating a bus turnout which is no longer needed (see Attachment 1). The request to vacate this excess Right-Of-Way is pursuant to the Planning Division's findings in the review for the Symphony Towers development (Planning Action 07-18, Item 10 of Conditions of Approval) that recommended increasing the project setback area by vacating the subject portion of Right-Of-Way.

The full width of Anton Boulevard at this location is 106 feet, with the surplus bus turnout area adding an additional 10 feet of width. The original bus turnout dedication was created by Tract No. 10950, which was recorded on September 19, 1983. Anton Boulevard is classified as a Major Highway with a required width of 104 feet per the Master Plan of Highways (MPH).

On October 8, 2007, the Planning Commission adopted Resolution PC-07-74 for the approval of the final Master Plan for the Symphony Towers project. The Planning Commission found that the proposed vacation of this portion of Anton Boulevard is consistent with the General Plan and, thereby, in compliance with Government Code Section 65402. With the adoption of Resolution PC-07-74, the Planning Commission also included a recommendation to the City Council that the proposed vacation of the bus turnout area also be approved. The Planning Commission's action reflects its support of the proposed vacation, and the subject portion is delineated on the Technical Site Plan approved by the Planning Commission.

## **ANALYSIS:**

The excess Right-Of-Way has been reviewed by the Engineering and Transportation Services Divisions. The findings indicate that a bus turnout is no longer needed at this location, and there

is no future need for the use of the subject area as public Right-Of-Way. In addition, vacation of the subject Right-Of-Way will not impact the existing street or parkway area. The vacation will eliminate the City's responsibility for its maintenance. Once the excess Right-Of-Way is vacated, the land will revert to the underlying fee title owner (see Attachment 2).

The Notice of Intention to Vacate Right-Of-Way was presented to the City Council at its regular meeting of January 15, 2008. Resolution 08-6 was subsequently adopted setting this public hearing (see Attachment 3). The property has been posted and notices of this public hearing were published as required by the Resolution. Staff has prepared the attached Resolution ordering the vacation of excess Right-Of-Way (see Attachment 4). Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said excess Right-Of-Way (see Attachment 5).

#### **ALTERNATIVES:**

The City Council could retain the excess Right-Of-Way and continue the City's responsibility to maintain this area. However, this portion of Anton Boulevard, and its existing improvements, is not needed for public use and would continue to be an unnecessary maintenance cost to the City.

#### **FISCAL REVIEW:**

No financial impact to the City is anticipated as a result of the vacation of the excess Right-Of-Way.


#### **LEGAL REVIEW:**

The City Attorney's Office has approved the attached Resolution as to form.

#### **CONCLUSION:**

Staff recommends the City Council adopt the Resolution ordering the vacation of excess Right-Of-Way portion of Anton Boulevard. In addition, staff recommends the City Council authorize execution of the Quitclaim Deed by the Mayor and City Clerk.

  
\_\_\_\_\_  
ERNESTO MUNOZ  
City Engineer

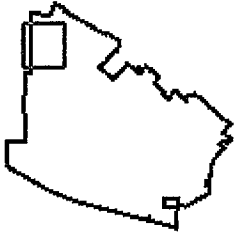
  
\_\_\_\_\_  
PETER NAGHAVI  
Acting Director of Public Services

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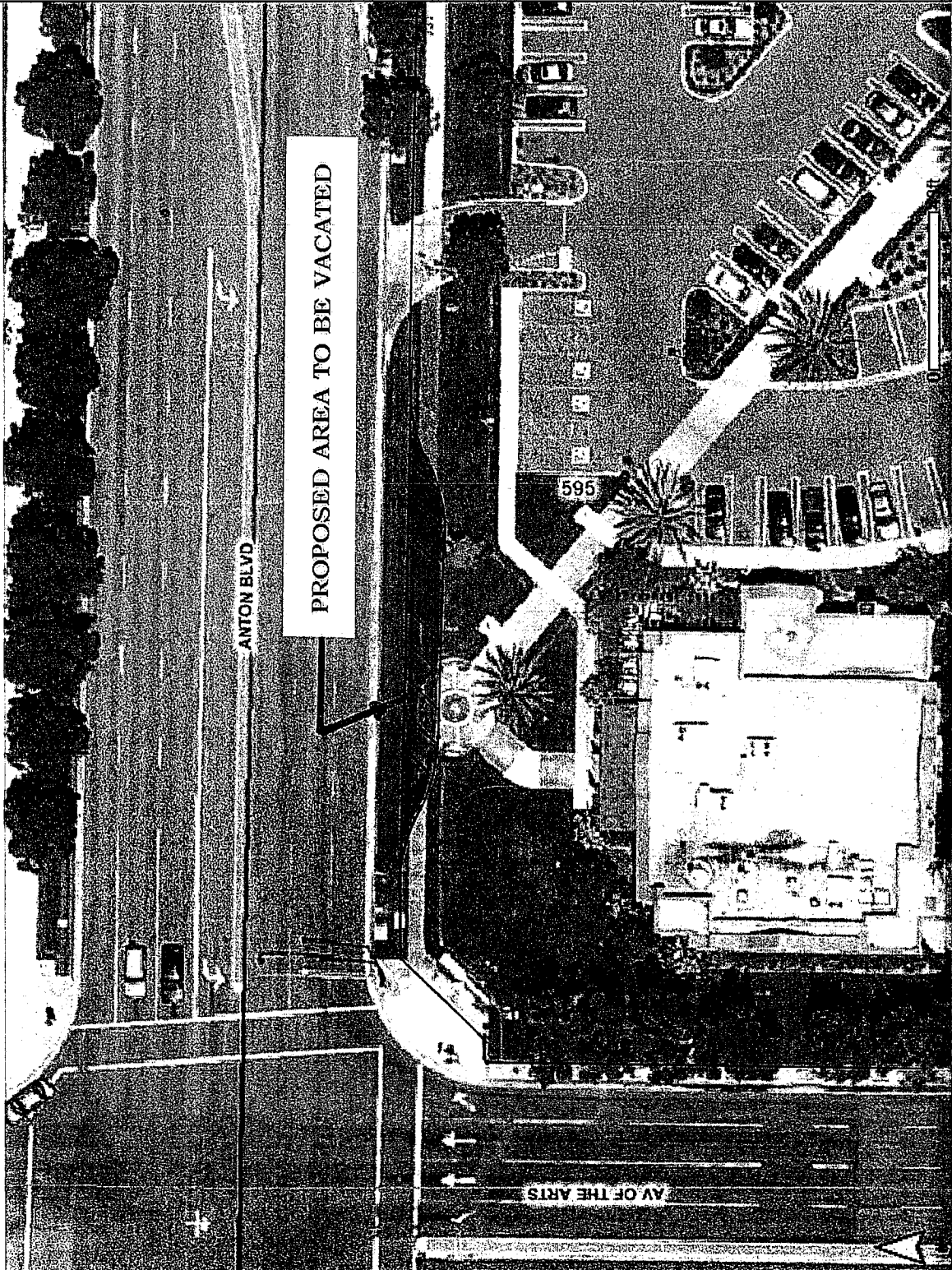
Attachments: 1 – Location Map  
2 – Legal Description and Exhibit  
3 – Notice of Intent Resolution No. 08-6  
4 – Resolution Ordering the Vacation of Excess Right-Of-Way  
5 – Quitclaim Deed

Distribution: City Manager  
Assistant City Manager  
City Clerk  
City Attorney  
Development Services Director  
Staff

Overview Map



595 ANTON BOULEVARD



ANTON BLVD

PROPOSED AREA TO BE VACATED

AV OF THE ARTS

595

= PROPOSED AREA TO BE VACATED

**City of Costa Mesa**  
**EXHIBIT A**  
**LEGAL DESCRIPTION**

**SHEET 1 OF 2**  
**ATTACHMENT 2**

**VACATION OF PORTION OF RIGHT OF WAY**

That portion of Anton Boulevard, in the City of Costa Mesa, County of Orange, State of California, as shown on the Map of Tract No. 10950, filed in Book 515, pages 1 through 8, inclusive, of Miscellaneous Maps, in the office of the County Recorder of said County, described as follows:

**Commencing** at the northwest corner of Lot 10 of said Tract No. 10950; thence along the northerly line of said Lot 10, said northerly line also being the southerly Line of Anton Boulevard, 106 feet wide, as shown on said Tract No. 10950, South 89°33'22" East 89.00 feet to the **True Point of Beginning**, said point being the beginning of a tangent curve concave southerly and having a radius of 43.00 feet; thence continuing along said northerly line of Lot 10 the following courses:

Southeasterly 19.39 feet along said curve through a central angle of 25°50'31" to the beginning of a reverse curve concave northeasterly and having a radius of 57.00 feet, a radial line to said point bears North 26°17'09" East;

Southeasterly 25.71 feet along said reverse curve through a central angle of 25°50'31";

South 89°33'22" East 50.00 feet to the beginning of a tangent curve concave northwesterly and having a radius of 32.00 feet;

Northeasterly 11.69 feet along said curve through a central angle of 20°55'45";

North 69°30'53" East 14.14 feet to the beginning of a tangent curve concave southeasterly and having a radius of 43.00 feet;

Northeasterly 15.71 feet along said curve through a central angle of 20°55'45";

Thence leaving said northerly line of Lot 10 along a line parallel with and 53.00 feet southerly of the centerline of said Anton Boulevard North 89°33'22" West 133.59 feet to the **True Point of Beginning**.

Contains 920 sq. ft., or 0.021 acres, more or less.

Subject to all covenants, conditions, restrictions, reservations, rights of way and easements of record, if any.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

*Brian K. Mickelson* 12/13/07

Brian K. Mickelson, L.S. No. 7320  
 License Expires 06/30/09



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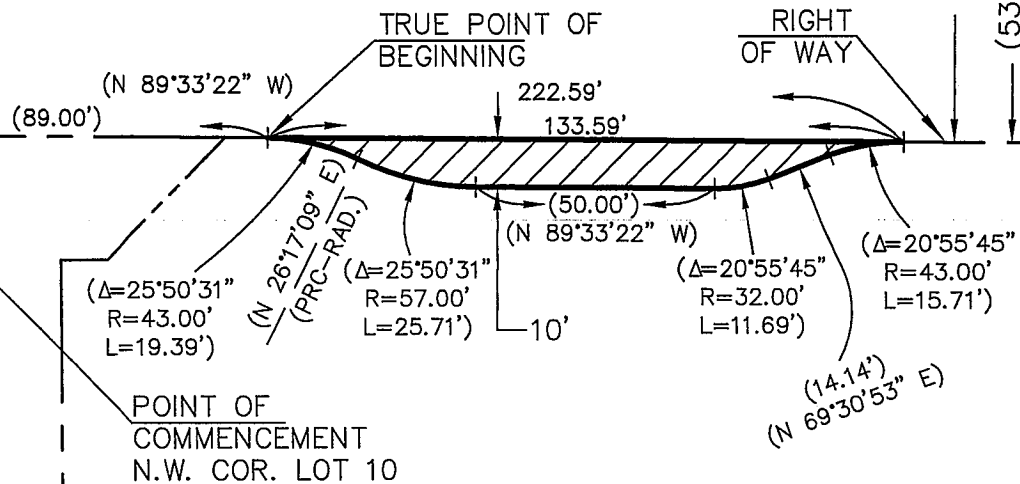
City of Costa Mesa  
**EXHIBIT B**  
 SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LOT 12  
 TRACT NO. 10950  
 M.M. 515/1-8

AVENUE OF THE ARTS

(N 89°33'22" W BASIS OF BEARINGS 930.73' TO CL SAKIOKA DRIVE)

**ANTON BOULEVARD**



LOT 10  
 TRACT NO. 10950  
 M.M. 515/1-8

SCALE: 1" = 40'

NOTE: BEARINGS AND DISTANCES SHOWN IN PARANtheses ARE RECORD PER THE MAP OF TRACT NO. 10950 M.M. 515 / 1-8.

*Brian K. Mickelson* 12/13/07

BRIAN K. MICKELSON, L.S. 7320  
 LICENSE EXPIRES 06/30/09



## RESOLUTION NO. 08-6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF ANTON BOULEVARD BETWEEN AVENUE OF THE ARTS AND SAKIOKA DRIVE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES  
AS FOLLOWS:

SECTION 1. The City Council of the City of Costa Mesa does hereby declare its intention to vacate its interest in Anton Boulevard between Avenue of the Arts and Sakioka Drive, more particularly described in Exhibits A and B attached hereto.


SECTION 2. Tuesday, the 19<sup>th</sup> day of February, 2008, at 7:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation.

SECTION 3. These proceedings shall be conducted pursuant to the provisions of Section 8300 et seq of the Streets and Highways Code of the State of California.

SECTION 4. The City Manager of the City of Costa Mesa is hereby directed to cause notices of the said proposed vacation to be conspicuously posted along said strip of land for at least two (2) weeks before the date of said hearing. Said notices shall be posted not more than three hundred (300) feet apart, but in no event shall fewer than three (3) notices be posted.

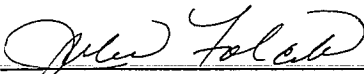
SECTION 5. This Resolution shall be published twice in a newspaper of general circulation, printed and published in the City of Costa Mesa, Orange County, California.

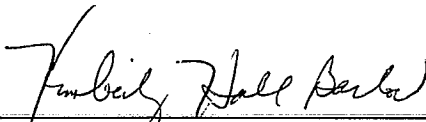
PASSED AND ADOPTED this 15<sup>th</sup> day of January, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Julie Folcik, City Clerk

  
\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 08-6 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15<sup>th</sup> day of January, 2008, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: BEVER, MANSOOR, DIXON, FOLEY, LEECE

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16<sup>th</sup> day of January, 2008.

  
JULIE FOLCIK, CITY CLERK

(SEAL)



## City of Costa Mesa

## SHEET 1 OF 2

## EXHIBIT A

## LEGAL DESCRIPTION

## VACATION OF PORTION OF RIGHT OF WAY

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Contains 920 sq. ft., or 0.021 acres, more or less.

Subject to all covenants, conditions, restrictions, reservations, rights of way and easements of record, if any.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

*Brian K. Mickelson* 12/13/07

Brian K. Mickelson, L.S. No. 7320  
License Expires 06/30/09



City of Costa Mesa

## EXHIBIT B

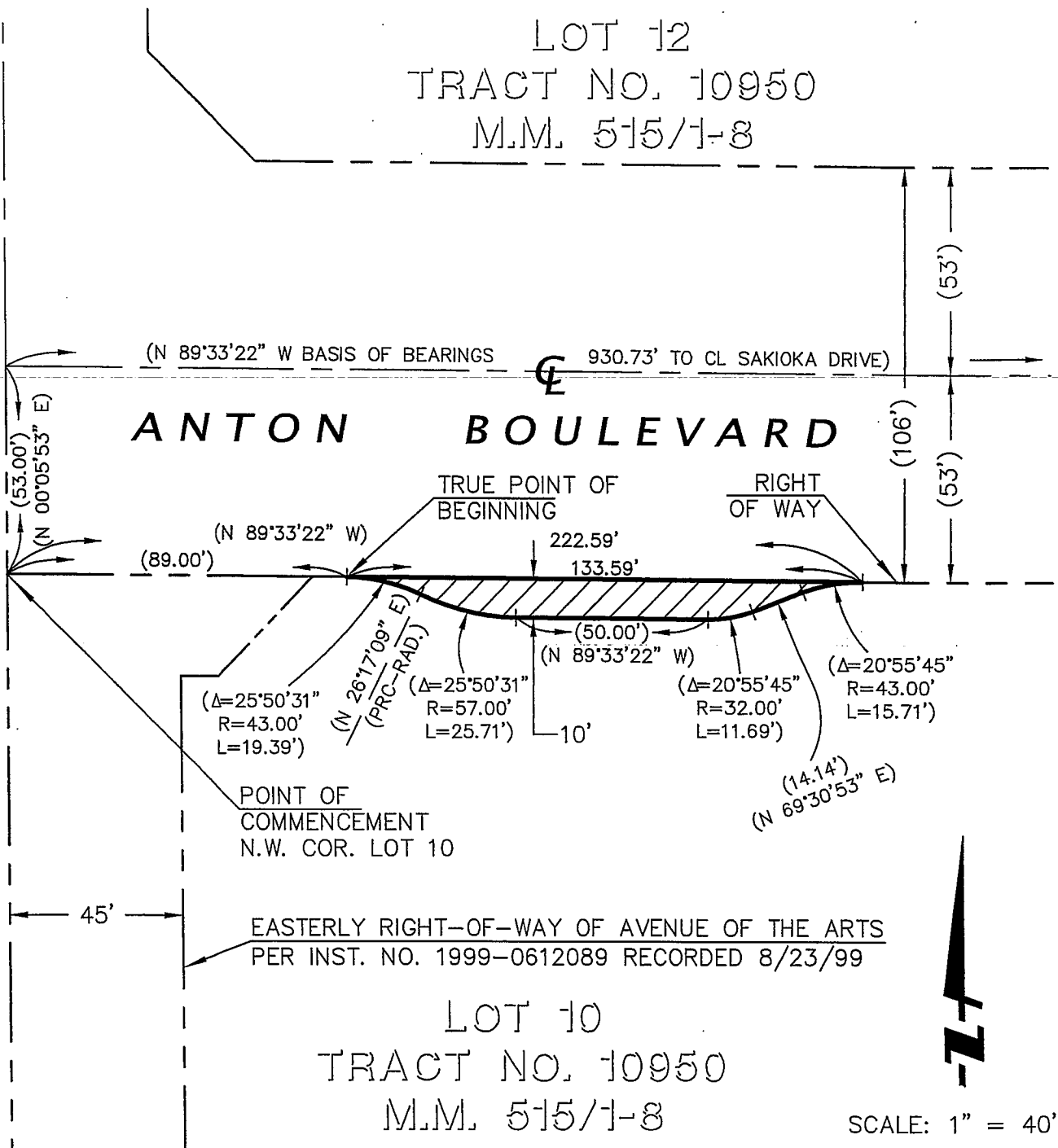
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LOT 12

TRACT NO. 10950

M.M. 515/1-8

AVENUE OF THE ARTS



NOTE: BEARINGS AND DISTANCES SHOWN IN PARANTHESES ARE RECORD PER THE MAP OF TRACT NO. 10950 M.M. 515 / 1-8.

*Brian K. Mickelson* 12/13/07

BRIAN K. MICKELSON, L.S. 7320  
LICENSE EXPIRES 06/30/09



RESOLUTION NO. 08-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF ANTON BOULEVARD BETWEEN AVENUE OF THE ARTS AND SAKIOKA DRIVE

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa did, on the 15<sup>th</sup> day of January, 2008, adopt Resolution No. 08-6, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF ANTON BOULEVARD BETWEEN AVENUE OF THE ARTS AND SAKIOKA DRIVE., AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO.

WHEREAS, pursuant to said Resolution of Intention, the time and place for hearing all persons interested in or objecting to the proposed vacation was set for Tuesday, the 19<sup>th</sup> day of February, 2008; at 7:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa, California; and

WHEREAS, notices of said proposed vacation were duly and regularly posted as required by law, all pursuant to the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California; and

WHEREAS, on said date of hearing, the proposed vacation came on regularly to be heard; all persons appearing on the proposed vacation were heard; and said hearing was closed on the 19<sup>th</sup> day of February, 2008; and

WHEREAS, the Costa Mesa City Council finds and determines from all the evidence submitted that the hereinafter described right-of-way is unnecessary for present or prospective street purposes so long as the conditions included herein are met;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDER AND RESOLVE AS FOLLOWS;

1. That the hereinafter described right-of-way is unnecessary for present or prospective street purposes.

2. It is hereby ordered that the following described right-of-way be, and the same are hereby vacated:

All as more particularly described in legal description shown in Exhibit "A" and on map shown in Exhibit "B," attached hereto and by this reference made a part hereof.

PASSED AND ADOPTED this 19<sup>th</sup> day of February, 2008.

\_\_\_\_\_  
Eric Bever, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Folcik, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 08-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 19<sup>th</sup> day of February, 2008, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 20<sup>th</sup> day of February, 2008.

\_\_\_\_\_  
JULIE FOLCIK, CITY CLERK

(SEAL)

Recording Requested by CITY OF COSTA MESA  
When Recorded Mail to:  
**CITY OF COSTA MESA**  
**Attention - City Clerk**  
**P.O. BOX 1200**  
**COSTA MESA, CALIFORNIA 92628-1200**

Mail Tax Statements to:  
**Owner (s) of Record**

APN: 410-501-30

Deed No. : 3644

TCA: 15036

Location: 595 ANTON BOULEVARD

Exempt Recording Requested per  
Government Code 6103

Declaration of Documentary Transfer Tax:

The undersigned Grantor declares that no  
documentary transfer tax is due – no consideration.

## QUITCLAIM DEED

THE UNDERSIGNED DECLARE(S) DOCUMENTARY TRANSFER TAX IS NONE.  
GOVERNMENTAL AGENCY EXEMPT CITY OF COSTA MESA

**FOR A VALUABLE CONSIDERATION**, receipt of which is hereby acknowledged,

City of Costa Mesa, a Municipal Corporation

do/does hereby remise, release and forever quitclaim to owners, as described on attached Exhibit "A", the following described real property subject to reversion rights as recognized by State and local law, in the City of Costa Mesa, County of Orange, State of California:

SEE RESOLUTION NO. \_\_\_\_\_, ADOPTED \_\_\_\_\_  
RECORDED BY THE COUNTY RECORDER, OFFICIAL  
RECORDS OF ORANGE COUNTY, CALIFORNIA, ATTACHED  
HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DEED IS BEING RECORDED TO PERFECT THE TITLE OF  
THE SUBJECT PROPERTIES.

\_\_\_\_\_  
Deputy City Clerk of the  
City of Costa Mesa

\_\_\_\_\_  
Mayor of the City of Costa Mesa

14